
OLR Bill Analysis

sSB 341

AN ACT ESTABLISHING A FALLEN OFFICER FUND AND PROVIDING HEALTH INSURANCE COVERAGE TO SURVIVORS OF A POLICE OFFICER KILLED IN THE LINE OF DUTY.

SUMMARY

This bill codifies a policy of the state comptroller by establishing the “Fallen Officer Fund” to, within available appropriations, give a lump sum death benefit totaling \$100,000 to a surviving family member or beneficiary of a police officer who was killed in the line of duty or sustained injuries that were the direct and proximate cause of the officer’s death. (The FY 24-25 Budget appropriated \$500,000 in each year to the comptroller’s operating expenses account to provide money for the Fallen Officer Fund.)

Under the bill, this payment is not taxable for state income tax purposes and must not be reduced or offset due to other benefits that may be awarded (e.g., workers’ compensation).

The bill also allows survivors who were covered by the police officer’s health insurance at the time of the officer’s death, to apply for or keep the coverage for one year after the death and to renew annually for up to five years.

The bill also makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the provisions establishing the fund and state tax exemption are effective upon passage, and the tax exemptions are applicable to taxable years commencing on or after January 1, 2024.

FALLEN OFFICER FUND

The bill establishes the “Fallen Officer Fund,” which is a non-lapsing

fund that contains any money required by law to be deposited into it. The treasurer must hold the money separate and apart from other money, funds, and accounts. The interest from fund investments must be credited to the fund. The comptroller may expend funds as payment to the surviving family and to reimburse municipalities (i.e., the employer) for insurance premiums paid on the surviving family's behalf.

Under the bill, "surviving family" means a surviving spouse, surviving child (whether dependent or not), or surviving parent of a police officer killed in the line of duty, or most recently listed beneficiary on file with the officer's employing law enforcement unit.

"Killed in the line of duty" means the death of a police officer while performing his or her duties, resulting from an incident, an accident, or violence that caused the death or caused injuries that were the direct or proximate cause of the officer's death, including any death that is determined to be occupationally related by a workers' compensation insurance carrier, an employer to whom a certificate of self-insurance has been issued, or an administrative law judge for workers' compensation purposes. It does not include the death of a police officer through the officer's own wanton or willful act.

Payment

When the comptroller receives notice, in a manner he prescribes, from a surviving family member of a police officer killed in the line of duty, within available appropriations, the comptroller must pay a lump sum death benefit totaling \$100,000 from the fund to the surviving family. The bill limits each surviving family to one lump sum death benefit and payments are made in the order in which notices are received until the amount in the fund is depleted.

The bill specifies that this payment is in addition to any other benefits the officer's surviving family members are eligible for and the payments must not be reduced or offset because of these benefits (e.g., workers' compensation or other survivor benefits).

Legislative Report

Starting by July 1, 2025, the bill requires the comptroller to annually report to the Public Safety and Security Committee a list of all fund expenditures for the prior year, the fund's current balance, and information on additional amounts needed for the fund.

Regulations and Policies and Procedures

The bill requires the comptroller to adopt implementing regulations. This includes application procedures and criteria for awarding grants among surviving family members, with priority given to awards benefiting an officer's dependent child or children (see below) and spouse. The comptroller may implement policies and procedures needed to implement the bill while in the process of adopting these regulations, provided he posts a notice of intent to adopt regulations on the eRegulations system within 20 days after implementing the policies and procedures. These policies and procedures are valid until regulations are adopted.

Under the bill, a "dependent child" is a police officer's child, whether by blood or adoption, who is:

1. under age 22 and (a) was dependent on the officer's earnings at the time of the officer's death, (b) does not provide more than half of his or her own support, and (c) is not married or legally adopted by another person; or
2. is any age and is physically or mentally incapacitated and dependent on the officer's earnings at the time of the officer's death.

HEALTH INSURANCE

Existing law requires the comptroller to offer coverage under partnership plans (i.e., health care benefit plans) to nonstate public employers and nonprofit employers.

The bill requires a nonstate public employer that provided coverage under a partnership plan to a police officer who is killed in the line of duty to continue to provide the coverage to the survivors who were

covered under the plan at the time of the officer's death. The coverage must continue for one year after the officer's death and may be renewed annually for up to five years. The nonstate public employer must facilitate the coverage continuation and renewal.

Under the bill, a nonstate public employer that did not provide coverage under a partnership plan to a police officer who is killed in the line of duty must apply for coverage under a partnership plan for, and at the request of, the survivors who were receiving health care benefit coverage through a plan offered to the officer at the time of the officer's death. The comptroller must accept the application on the terms and conditions applicable to the partnership plan for enrollment and provide coverage to the survivors for one year. The enrollment and coverage may be renewed annually for up to five years. The nonstate public employer must facilitate initiation and renewal of the enrollment and coverage.

The bill exempts anyone who is receiving this coverage from having to pay monthly premiums for these plans and the comptroller must reimburse, from the Fallen Officer Fund, any employer making payments.

BACKGROUND

Law Enforcement Units and Police Officers

By law, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

"Police officers" are sworn members of an organized local police department of the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; or any members of a law enforcement unit who perform police duties (CGS § 7-294a).

Related Bill

sHB 5279, favorably reported by the Public Safety and Security Committee, generally allows a police or fire chief to declare that a police officer or firefighter died in the line of duty if the death is caused by certain conditions within 24 hours after the officer or firefighter finished his or her shift or training that involved nonroutine or strenuous activity.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)